# TABLE OF CONTENTS

*Authors’ biographies*  
*Foreword*  
*Preface*  
*Table of cases*  
*Table of statutes*

**Part 1  Legal issues relating to ship building**

**CHAPTER 1  CONTRACTING BY NUMBERS: THE DIFFERENT CHARACTERISTICS OF THE MAIN SHIPBUILDING CONTRACTS**

*Professor Andrew Tettenborn*

1.1 Uncertainties  
1.2 Variations between standard forms  
1.3 Conclusion  

**CHAPTER 2  THE BIMCO NEWBUILDCON STANDARD FORM SHIPBUILDING CONTRACT: SALIENT FEATURES AND PITFALLS**

*Chris Kidd*

2.1 Introduction  
2.2 General layout  
2.3 Part I – the ‘box layout’  
2.4 Part II – terms and conditions  
2.5 Conclusion  

**CHAPTER 3  REMEDIES FOR BREACH OF SHIPBUILDING CONTRACTS – IS ENGLISH LAW ‘FIT FOR PURPOSE’?**

*Simon Curtis*

3.1 Introduction  
3.2 Enforcing delivery in a depressed market
3.3 Enforcing delivery in an ‘overheated’ market
3.4 Conclusion

CHAPTER 4 THE APPLICATION OF THE ‘PREVENTION PRINCIPLE’ IN THE SHIPBUILDING CONTEXT
Simon Kverndal QC
4.1 Introduction
4.2 The traditional categorisation of shipbuilding contracts
4.3 The prevention principle: its origins and recent developments
4.4 The decision in Adyard
4.5 The prevention principle and shipbuilding contracts

CHAPTER 5 DRAFTING AND INTERPRETING PAYMENT REFUND GUARANTEES IN THE SHIPBUILDING CONTEXT
John Forrester
5.1 Introduction
5.2 Why do problems arise?
5.3 The scope of refund guarantees
5.4 Nature of guarantor’s liability – primary or secondary obligation?
5.5 A comparison between primary and secondary payment obligations
5.6 Key guidelines to interpreting refund guarantees
5.7 Drafting refund guarantees – some key provisions

CHAPTER 6 THE EVOLVING NATURE OF BUILDERS’ RISKS COVER
Professor Bars Soyer
6.1 Introduction
6.2 Changes introduced by the Mar CAR 2007 – problematic aspects of the ICBR 1988
6.3 Problematic aspects of the Mar CAR 2007
6.4 Conclusion

Part 2 Ship sale contracts and practice

CHAPTER 7 BATTLE OF THE SALE FORMS
Matt Hannaford
7.1 Contractual setting
7.2 Factors supporting the development of a global and uniform approach to ship sales
7.3 Substantial differences in the approach adopted by different sale forms – a case study on the treatment of deposit
7.4 Conclusion
CHAPTER 12  LEASE FINANCE AND DEMISE  
CHARTERS – LESSORS’ RISKS AND LIABILITIES  188  
Professor Simon Baughen  
12.1 Introduction  188  
12.2 Owners’ liabilities  189  
12.3 Owners’ remedies for charterers’ default  204  

CHAPTER 13  FINANCING NEWBUILDING VESSELS AND  
BARECON 2001: A FAIR DEAL?  212  
Dr Theodora Nikaki  
13.1 Introduction: setting the scene  212  
13.2 Delivery  215  
13.3 Repairs  226  
13.4 Hire/purchase agreement  234  
13.5 Conclusions  238  

CHAPTER 14  SHIPPING FINANCE AND SANCTIONS  241  
David Osborne  
14.1 Introduction  241  
14.2 Some background on sanctions and shipping  245  
14.3 The shipping and finance industry’s response to sanctions  253  
14.4 The judicial approach so far – and the future  256  

CHAPTER 15  USING DERIVATIVES TO FINANCE SHIP SALES  
AND SHIPBUILDING: A CIVIL LAW PERSPECTIVE  259  
Professor Dr Olivier Cachard  
15.1 Introduction  259  
15.2 A civil law analysis of the legal nature and a categorisation of shipping derivatives  261  
15.3 A civil law analysis of the risks created by shipping derivatives  263  

Appendices  
Appendix 1: BIMCO NEWBUILDCON  269  
Appendix 2: China Maritime Arbitration Commission Standard Newbuilding Contract (Shanghai Form)  317  
Appendix 3: SALEFORM 2012  363  
Appendix 4: Singapore Ship Sale Form  374  
Appendix 5: BIMCO Standard Bareboat Charter ‘BARECON 2001’  382  
Appendix 6: Institute Clauses for Builders’ Risks 1988  395  
Appendix 7: London Marine Construction All Risks Wording 2007  407  
Appendix 8: Institute Mortgagees’ Interest Clauses 1997  476  

Index  483